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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,307

07/02/2003

Mark G. Meyer

29757/P-829

4054

49358 7590 05/06/2009  
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EXAMINER

HARPER, TRAMAR YONG

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

05/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* MARK G. MEYER, DEBORAH JONASSON, KEITH A.  
JONASSON and ARTHUR S. ROBB

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Application No. 10/612,307  
Technology Center 3700

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Mailed: May 6, 2009

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 15, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention.

POWER OF ATTORNEY

Appellants filed a Power of Attorney, dated August 28, 2007. There is no indication on the record that the Examiner has considered the above Power of Attorney.

CHANGE OF ADDRESS

Appellants filed a Change of Address, dated August 28, 2007. There is no indication on the record that the Examiner has considered the above Change of Address.

POWER OF ATTORNEY

Appellants filed a Power of Attorney, dated April 16, 2008. There is no indication on the record that the Examiner has considered the above Power of Attorney.

PARTIAL WITHDRAWAL OF CLAIMS

A Reply Brief was filed March 9, 2009, in where Appellants withdrew claims 1- 29 and 35 – 41 from appeal.

A withdrawal of the appeal as to some of the claims on appeal operates as an authorization to cancel those claims from the application or reexamination proceeding and the appeal continues as to the remaining claims. The withdrawn claims will be canceled from an application by direction of the Examiner at the time of the withdrawal of the appeal as those claims.

*Manual of Patent Examining Procedure* (MPEP) § 1215.03 (8<sup>th</sup> ed. Rev. 7, July 2008).

Because Appellants withdrew claims 1 – 29 and 35 – 41 from appeal in the Reply Brief, the Examiner is instructed to cancel the expressly withdrawn claims.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

(1) consider the Powers of Attorney filed August 28, 2007 and April 16, 2008, as required;

(2) consider the Change of Address filed August 28, 2007, as required;

(3) enter a paper canceling claims 1 – 29 and 35 – 41;

(4) upon entry of the paper, to return the application to the Board for the consideration of the remaining claims; and

(5) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/BIM

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